



## FEDERAL ENERGY REGULATORY COMMISSION

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March 23, 2022

The Honorable Cathy McMorris Rodgers  
Ranking Member  
House Energy & Commerce Committee  
U.S. House of Representatives  
Washington, D.C. 20510

The Honorable Fred Upton  
Ranking Member  
House Energy & Commerce Committee  
Subcommittee on Energy  
U.S. House of Representatives  
Washington, D.C. 20510

Dear Ranking Members McMorris Rodgers and Upton,

Thank you for your March 2, 2022, letter regarding your concern for energy security in the United States and Europe following Russia's invasion of Ukraine.

In your letter, you comment that “a lack of pipeline and [liquefied natural gas (LNG)] export capacity is hampering our ability to respond to global energy price spikes and support our allies in Europe”<sup>1</sup> and that “there is a growing number of pending permits before the [Federal Energy Regulatory Commission (FERC or Commission)] . . . that have been needlessly postponed.”<sup>2</sup> In addition, you state you are “troubled” by the recently issued Updated Certificate Policy Statement<sup>3</sup> and Interim

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<sup>1</sup> Representatives McMorris Rodgers and Upton, March 2, 2022 Letter, Docket No. PL18-1-000, at 2.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*; see also *Certification of New Interstate Nat. Gas Facilities*, 178 FERC ¶ 61,107 (2022) (Danly and Christie, Comm'rs, dissenting) (Updated Certificate Policy Statement), *reh'g pending*.



Greenhouse Gas (GHG) Policy Statement,<sup>4</sup> that you believe “will make it more difficult to build natural gas projects in the United States, which harms American energy consumers and strengthens Russia’s grip on Europe’s energy supply.”<sup>5</sup> You ask me to answer three questions.<sup>6</sup>

In order to avoid any appearance of prejudgment and to comply with the Commission’s *ex parte* communication rules, the content of my answers will be limited to: the text of relevant statutes and regulations; procedural information regarding pending proceedings; factual, historical information regarding past Commission issuances; and recitations of the contents of my separate statements.

At the outset, I would like to observe that the natural gas industry is under attack on multiple fronts at FERC and other federal agencies. These attacks are not limited to pipeline projects, which FERC is killing through bureaucratic delay, and, now, the uncertainty of the new policy statements. The attacks extend to the electric markets, where FERC is rewriting the rules to favor new intermittent resources at the expense of existing natural gas and other dispatchable generation.<sup>7</sup> These actions threaten not only the natural gas industry, but also the reliability of the electric system. FERC’s efforts to prop up intermittent renewables risk blackouts, as the new rules will drive needed dispatchable resources out of the market. These actions are bad policy. They are also beyond the authority Congress has granted to FERC.<sup>8</sup>

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<sup>4</sup> *Consideration of Greenhouse Gas Emissions in Nat. Gas Infrastructure Project Reviews*, 178 FERC ¶ 61,108 (2022) (Danly and Christie, Comm’rs, dissenting) (Interim GHG Policy Statement), *reh ’g pending*.

<sup>5</sup> Representatives McMorris Rodgers and Upton, March 2, 2022 Letter, Docket No. PL18-1-000, at 2.

<sup>6</sup> *Id.* at 2-3.

<sup>7</sup> *See* Commissioner Danly March 2, 2022 Letter to Senator Barrasso, Docket Nos. PL18-1-000, et al., at 18 (discussing recent FERC actions affecting PJM market), <https://www.ferc.gov/news-events/news/commissioner-james-danly-letter-senator-barrasso>.

<sup>8</sup> *See, e.g.*, September 29, 2021 Notice of Filing Taking Effect by Operation of Law, Docket No. ER21-2582-000; Statement of Commissioner James P. Danly, Docket No. ER21-2582-000 (Oct. 27, 2021) (opposing the evisceration of the Minimum Offer Price Rule); *PJM Interconnection, L.L.C.*, 178 FERC ¶ 61,020 (2022) (Danly, Comm’r,



While FERC’s actions obstruct the development of new pipeline infrastructure and reliability in electric markets, the Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (PHMSA) is contemplating onerous over-regulation of existing infrastructure, in a move greatly expanding its jurisdiction.<sup>9</sup> On the production side, the Department of the Interior has hindered leasing processes for the development of new sources of energy on federal lands.<sup>10</sup>

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dissenting) (opposing elimination of 10 percent adder in modeling energy market offers); *PJM Interconnection, L.L.C.*, 177 FERC ¶ 61,209 (2021) (Danly, Comm’r, dissenting) (opposing reversal of recently approved reserve market reforms), *order granting clarification, PJM Interconnection, L.L.C.*, 178 FERC ¶ 61,085 (2022) (Danly, Comm’r, dissenting); *Indep. Mkt. Monitor for PJM v. PJM Interconnection, L.L.C.*, 176 FERC ¶ 61,137 (2021) (Danly, Comm’r, dissenting), *order on reh’g*, 178 FERC ¶ 61,121 (2022) (Danly, Comm’r, dissenting) (opposing unit-specific mitigation review of all seller capacity offers).

<sup>9</sup> See, e.g., *Pipeline Safety: Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure Lines, and other Related Amendments*, Final Rule, Docket No. PHMSA-2011-0023, 86 Fed. Reg. 63266 (Nov. 15, 2021); *New Federal Regulations Add More than 400,000 Miles of “Gas Gathering” Pipelines Under Federal Oversight*, PHMSA News Release, at 1 (issued Nov. 15, 2021) (the “final rule . . . expands Federal pipeline safety oversight to all onshore gas gathering pipelines,” “appl[ies] federal pipeline safety regulations to tens of thousands of miles of unregulated gas gathering pipelines,” and “for the first time—[will] require pipeline operators to report safety information for all gas gathering lines, representing more than 425,000 additional miles covered by Federal reporting requirements.”), <https://www.phmsa.dot.gov/news/new-federal-regulations-add-more-400000-miles-gas-gathering-pipelines-under-federal-oversight>; *id.* (“All together, PHMSA estimates that there are at least 425,000 miles of onshore gas gathering lines that have not been subject to PHMSA oversight but will be after this rule takes effect.”).

<sup>10</sup> *Barrasso: BLM Ignores Deadline, Refuses to Hold Onshore Oil and Gas Lease Sales*, Senate Committee on Energy & Natural Resources, Republican News (Feb. 16, 2022) (“‘The Biden administration continues to defy the courts and the law,’ said Barrasso. ‘The BLM has blown past a critical deadline required to hold the first federal onshore oil and gas lease sale this year. As a result, Wyoming and other Western states will now miss oil and gas lease sales for the fifth quarter in a row.’”) (emphasis omitted), <https://www.energy.senate.gov/2022/2/barrasso-blm-ignores-deadline>.



Perhaps most insidiously, the federal government is taking actions designed to obstruct the financing of natural gas infrastructure. A constellation of federal financial regulatory agencies<sup>11</sup> have begun rulemakings to codify requirements aimed at shaming companies away from investing in reliable, affordable energy, while shielding fiduciaries from liability for making otherwise economically unjustifiable decisions.<sup>12</sup> Many Americans would be shocked to learn that their retirement savings are being weaponized to advance the political agendas of the companies that manage their accounts. Even the Federal Reserve is participating, risking its status as an apolitical entity.<sup>13</sup>

As Senator Marshall explained at the March 3, 2022 Senate Energy and Natural Resources hearing, “people in the oil and gas industry are scared to death to invest money in this field because the White House has declared war on the oil and gas industry.”<sup>14</sup>

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<sup>11</sup> See, e.g., *The Enhancement and Standardization of Climate-Related Disclosures for Investors*, U.S. Securities & Exchange Commission, Proposed Rule (Mar. 21, 2022) (proposed rules that would require registrants to provide climate-related information in their registrations and annual reports including), <https://www.sec.gov/rules/proposed/2022/33-11042.pdf>; *CFTC Acting Chairman Behnam Establishes New Climate Risk Unit*, CFTC Press Release, at 1 (issued Mar. 17, 2021), <https://www.cftc.gov/PressRoom/PressReleases/8368-21> (Acting Chairman Rostin Behnam announced “he has established the Climate Risk Unit (CRU) to support the agency’s mission by focusing on the role of derivatives in understanding, pricing, and addressing climate-related risk and transitioning to a low-carbon economy.”).

<sup>12</sup> *Request for Information on Possible Agency Actions to Protect Life Savings and Pensions from Threats of Climate Related Financial Risk*, Employee Benefits Security Administration, Request for Information, 87 Fed. Reg. 8289 (Feb. 14, 2022); *Prudence and Loyalty in Selecting Plan Investments and Exercising Shareholder Rights*, Department of Labor, Proposed Rule, 86 Fed. Reg. 57272 (Oct. 14, 2021).

<sup>13</sup> Press Release, Federal Reserve Board issues statement in support of the Glasgow Declaration by the Network of Central Banks and Supervisors for Greening the Financial System (NGFS), Nov. 3, 2021, <https://www.federalreserve.gov/newsevents/pressreleases/other20211103a.htm>.

<sup>14</sup> See also *Hearing to Review FERC’s Recent Guidance on Nat. Gas Pipelines Before the S. Comm. on Energy and Nat. Res.*, 117th Cong. (2022),



Congress declared in the Natural Gas Act (NGA) that the sale of natural gas is affected with the public interest, yet, today, the administrative state has American natural gas squarely in its crosshairs.

With that background, I turn to your questions.

- 1. Please provide a list of all natural gas pipeline applications that have been pending before the Commission for more than 3 months. Please also include a description of the application, the schedule for a final decision, and an explanation for any delays that may prevent the project from meeting its proposed in-service date.***

Appendix A includes a chart that I have prepared listing the natural gas pipeline applications and LNG applications that have been pending before FERC for more than 3 months.

Regrettably, I am not able to provide you with a schedule for final decisions. Under FERC's regulations, only the Secretary of FERC may announce the date an order will be issued.<sup>15</sup> I also note that it is the Chairman's prerogative to schedule votes for project orders.

I attempt, however, to provide general estimates of the projects' timelines. Column 8 lists an estimated date that an order could be issued for pending projects that have received an environmental schedule. I base these dates on the assumption that orders issue four months after the completion of the project's environmental review, which was the average length of time from January 1, 2019 through May 24, 2021. I also direct your attention to column 9, listing estimated dates for when the FERC's new policy

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<https://www.energy.senate.gov/hearings/2022/3/full-committee-hearing-to-review-ferc-s-recent-guidance-on-natural-gas-pipelines> (Mar. 3, 2022 Senate Hearing).

<sup>15</sup> 18 C.F.R. § 3c.2(b) ("The nature and time of any proposed action by the Commission are confidential and shall not be divulged to anyone outside the Commission. The Secretary of the Commission has the exclusive responsibility and authority for authorizing the initial public release of information concerning Commission proceedings.").



to stay an order might be lifted,<sup>16</sup> to column 10, listing the applicants' requested action date, and to column 11, listing the applicants' anticipated in-service date.

Since the Chairman alone enjoys the authority to schedule orders and to direct the actions of the Commission's staff, I defer to him to provide an explanation for all of the delays that may prevent projects from meeting their proposed in-service date. I note, however, that 19 projects have missed their requested action by date and may be unable to meet construction windows necessary to achieve their in-service dates.<sup>17</sup> In one proceeding, North Baja Pipeline LLC recently submitted a filing with the Commission explaining that it and its project's customer, an LNG terminal, had to execute an amended precedent agreement to modify their agreed upon in-service date because of the

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<sup>16</sup> See *Limiting Authorizations to Proceed with Construction Activities Pending Rehearing*, 175 FERC ¶ 61,098, at PP 43-51 (2021) (Danly, Comm'r, dissenting) (Order No. 871-B), *order on reh'g and clarification*, 176 FERC ¶ 61,062, at PP 33-50 (2021) (Danly, Comm'r, dissenting) (Order No. 871-C).

<sup>17</sup> See App. A (North Baja Pipeline, LLC Docket No. CP20-27 (Dec. 31, 2020 requested action date); Iroquois Gas Transmission System, L.P. Docket No. CP20-48 (Dec. 31, 2020 requested action date); Tennessee Gas Pipeline Co., L.L.C., et al., Docket Nos. CP20-50 and CP20-51 (Jan. 31, 2021 requested action date); Rio Bravo Pipeline Co., LLC Docket No. CP20-481 (Dec. 17, 2020 requested action date); ANR Pipeline Co., et al., Docket Nos. CP20-484 and CP20-485 (May 20, 2021 requested action date); Tennessee Gas Pipeline Co., L.L.C. Docket No. CP20-493 (Sept. 30, 2021 requested action date); Columbia Gulf Transmission, LLC Docket No. CP20-527 (Oct. 31, 2021 requested action date); Spire Storage West Docket No. CP21-6 (Sept. 1, 2021 requested action date); Gas Transmission Northwest LLC Docket No. CP21-9 (Mar. 14, 2021 requested action date); LA Storage LLC Docket No. CP21-44 (Jan. 31, 2022 requested action date); Mountain Valley Pipeline LLC Docket No. CP21-57 (June 17, 2021 requested action date); ANR Pipeline Co. Docket No. CP21-78 (Jan. 1, 2022 requested action date); Transcontinental Gas Pipe Line Co. Docket No. CP21-94 (Jan. 1, 2022 requested action date); Alliance Pipeline, L.P. Docket No. CP21-113 (Feb. 1, 2022 requested action date); Kern River Gas Transmission Co. Docket No. CP21-197 (Feb. 17, 2022 requested action date); Golden Pass Pipeline, LLC Docket Nos. CP21-1 and CP21-458 (Jan. 1, 2022 requested action date); Texas Eastern Transmission, LP Docket No. CP21-463 (Jan. 15, 2022 requested action date); Rover Pipeline LLC Docket No. CP21-474 (Dec. 1, 2021 requested action date); Rover Pipeline LLC Docket No. CP21-492 (Dec. 1, 2021 requested action date)).



Commission's delay.<sup>18</sup> Others will likely have to do the same if they have not already done so. Indeed, five other pending incremental expansion projects have requested in-service dates for this calendar year.<sup>19</sup> Most of these projects, which can require months to complete, will likely not meet their requested timelines.

Proposed timelines are not the result of a pipeline company's wishful thinking. My understanding is that pipeline companies select requested action dates by looking to the Commission's historical processing times for similarly situated projects and the requirements of their construction schedules. If requested action dates are missed through significant delays, pipelines may miss their construction windows and, as a result, potentially miss their negotiated in-service dates. If that occurs, pipelines and their shippers would have to renegotiate precedent agreements and if those projects are no longer economic, pipeline companies would have to cancel projects writing off sunk costs which in some cases can reach the hundreds of millions of dollars.

***2. Please provide a list of all LNG export facility applications that are pending before FERC. Please also include a description of the application, the schedule for a final decision, and an explanation for any delays that may prevent the project from meeting its proposed in-service date.***

Appendix B includes a chart that I have prepared listing the LNG applications that are pending before FERC. My chart includes the projects listed in the Chairman's response to your letter. Like in Appendix A, I have included an estimated date that an order could be issued to provide an estimated timeline (column 8), the applicant's requested action date (column 9), and the anticipated in-service date (column 10). I defer to the Chairman for any explanation for the delays that may prevent projects from

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<sup>18</sup> See North Baja Pipeline, LLC, Request for Prompt Action, Docket No. CP20-27-000, at 2 (Jan. 31, 2022) (explaining in-service date had to be revised to February 1, 2023). North Baja Pipeline, LLC's original anticipated in-service date was Nov. 1, 2022. See App. A.

<sup>19</sup> See App. A. (Tennessee Gas Pipeline Co., L.L.C., et al., Docket Nos. CP20-50-000 and CP20-51-000 (Dec. 1, 2022 anticipated in-service date); ANR Pipeline Co., et al., Docket Nos. CP20-484-000 and CP20-485-000 (Nov. 1, 2022 anticipated in-service date); Tennessee Gas Pipeline Co., L.L.C. Docket No. CP20-493-000 (Nov. 1, 2022 anticipated in-service date); ANR Pipeline Co. Docket No. CP21-78-000 (Nov. 1, 2022 anticipated in-service date); Alliance Pipeline, L.P. Docket No. CP21-113-000 (June 23, 2022 anticipated in-service date)).



meeting their proposed in-service dates. I will highlight a few proceedings illustrative of the delay projects are now experiencing.

There are two applications (Freeport LNG Development, L.P., et al., Docket No. CP21-470-000, and Venture Global Calcasieu Pass, LLC, Docket No. CP22-25-000), seeking to match the liquefaction capacity authorized in the FERC permit with the actual design capacity of the facility.<sup>20</sup> These applications typically involve no construction or operational changes to existing facilities, but are necessary because FERC's initial permits are not based on final project designs, which can change during construction. For Freeport LNG Development, L.P.'s application, FERC did not issue a schedule for environmental review of the project, an initial step in FERC's review of an application, until nearly six months after the application was filed.<sup>21</sup> FERC has still not issued a schedule for Venture Global Calcasieu Pass, LLC's application, which was filed over three months ago. Historically, FERC has issued schedules for projects within 60 days, on average.<sup>22</sup> In addition to the unnecessary delays at FERC, LNG terminals are also subject to delays at PHMSA, which conducts additional reviews. In fact, together, FERC and PHMSA's processes have taken over two years to complete.<sup>23</sup>

I also highlight Variance Request No. 15 filed by Golden Pass LNG Terminal LLC and Golden Pass Pipeline LLC (collectively Golden Pass) in Docket Nos. CP14-517-001 and CP14-518-001. Golden Pass is currently constructing an LNG terminal that FERC authorized in 2016. On February 25, 2021, Golden Pass filed an application asking to increase its construction traffic volumes and allowable construction hours to

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<sup>20</sup> See App. B.

<sup>21</sup> FERC issued the environmental schedule on December 14, 2021, nearly six months after the application was filed. See FERC Staff, Notice of Schedule for Environmental Review of the Freeport LNG Capacity Amendment Project, Docket No. CP21-470-000, at 1 (Dec. 14, 2021).

<sup>22</sup> See Commissioner Danly Nov. 29, 2021 Letter to Senator Barrasso, Docket Nos. CP20-27-000, et al., at 7-8, <https://www.ferc.gov/media/commissioner-danly-letter-responding-senator-barrasso-regarding-docket-nos-cp20-27-et-al>.

<sup>23</sup> See *Sabine Pass Liquefaction, LLC*, 177 FERC ¶ 61,030 (2021) (taking over two years to process); *Corpus Christi Liquefaction, LLC*, 177 FERC ¶ 61,029 (2021) (same).





maintain its project schedule.<sup>24</sup> Golden Pass explained that “without these changes the Project will not be able to meet its schedule, significantly prolonging construction at the GPX Terminal site.”<sup>25</sup> In this request, Golden Pass initially requested FERC action by March 24, 2021,<sup>26</sup> which it later revised to July 1, 2021.<sup>27</sup>

FERC did not announce it would consider Golden Pass’s variance as an NGA section 3 application and solicit public comment until November 3, 2021, over *eight months* after Golden Pass filed its initial request.<sup>28</sup> FERC did not solicit environmental comments until November 10, 2021<sup>29</sup> and did not issue an environmental review schedule until December 21, 2021.<sup>30</sup> That schedule announced that an Environmental Assessment (EA) would be issued 48 days later, on February 7, 2022.<sup>31</sup> One could reasonably presume that if staff anticipated a 48-day turnaround, the environmental review would not be complicated.<sup>32</sup> The EA, however, was just issued yesterday, March

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<sup>24</sup> See Golden Pass, Variance Request No. 15, Docket Nos. CP14-517-000 and CP14-518-000 (Feb. 25, 2021) (Accession No. 20210225-5239).

<sup>25</sup> *Id.* at 3-4.

<sup>26</sup> *Id.*, Transmittal, at 1.

<sup>27</sup> Golden Pass, Revised Variance Request No. 15, Docket Nos. CP14-517-000, CP14-518-000, and CP14-517-001, Transmittal, at 1 (May 19, 2021) (Accession No. 20210519-5132).

<sup>28</sup> See FERC Staff, Notice of Amendment of Authorizations and Establishing Intervention Deadline, Docket No. CP14-517-001, at 1 (Nov. 3, 2021).

<sup>29</sup> FERC Staff, Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Golden Pass LNG Export Variance Request, Docket No. CP14-517-001 (Nov. 10, 2021).

<sup>30</sup> FERC Staff, Notice of Schedule for the Preparation of an Environmental Assessment, Docket No. CP14-517-001 (Dec. 21, 2021).

<sup>31</sup> *Id.* at 1.

<sup>32</sup> For example, Commission anticipated a 71-day turnaround for a minor project interconnecting a pipeline with shippers. See FERC Staff, Notice of Schedule for Environmental Review of the North Coast Interconnect Project, Docket No. CP21-474



22.<sup>33</sup> Golden Pass asked to increase its construction activity *over a year ago*, but the Commission is still not prepared to act on it.

On February 19, 2021, Port Arthur LNG filed an application to increase the liquefaction capacity at its approved, unconstructed LNG project.<sup>34</sup> On January 15, 2021, FERC issued an EA for the project that found the project would not have a significant effect on the environment.<sup>35</sup>

FERC did not issue any other filings in this docket until February 3, 2022, over a year later.<sup>36</sup> That filing requested that the U.S. Environmental Protection Agency (EPA) participate as a “cooperating agency”<sup>37</sup> in the National Environmental Policy Act (NEPA) review process because FERC “received comments on the EA [finalized over a year earlier] regarding air quality, hazardous air pollutants, and environmental justice, and FERC staff would benefit from the technical expertise of your agency in developing approaches and responsive analyses.”<sup>38</sup> FERC initially solicited participation from

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(Nov. 17, 2021) (planned schedule for completion of the Environmental Assessment) (Accession No. 20211117-3003).

<sup>33</sup> FERC Staff, Environmental Assessment for the Golden Pass LNG Export Variance Request No. 15 Amendment, Docket No. CP14-517-001 (Mar. 22, 2022).

<sup>34</sup> Port Arthur LNG Phase II, LLC, et al., Application for Section 3 of the Natural Gas Act, Docket No. CP20-55-000 (Feb. 19, 2020).

<sup>35</sup> FERC Staff, Environmental Assessment for the Port Arthur LNG Expansion Project, Docket No. CP20-55-000, at 1 (Jan. 15, 2021).

<sup>36</sup> *See* FERC Staff, Request for Participation as a Cooperating Agency, Docket No. CP20-55-000 (Feb. 3, 2022).

<sup>37</sup> The Council on Environmental Quality’s (CEQ) regulations define cooperating agency as “any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment.” 40 C.F.R. § 1508.5.

<sup>38</sup> FERC Staff, Request for Participation as a Cooperating Agency, Docket No. CP20-55-000, at 1-2 (Feb. 3, 2022).



cooperating agencies over *two and a half years* ago,<sup>39</sup> and PHMSA, the Department of Energy, and the U.S. Coast Guard chose to participate as cooperating agencies. But, at that time, the EPA declined to do so.<sup>40</sup> Additionally, the EPA never filed comments on the 2021 EA, when it was pending for comment.

Four months ago, another LNG project, Rio Grande LNG, voluntarily proposed to amend its section 3 permit to incorporate carbon capture and sequestration into its operation,<sup>41</sup> a mitigation measure for which my colleagues voiced their support last month.<sup>42</sup> FERC has yet to announce its environmental review schedule, which FERC has historically issued within two months of receiving an application.<sup>43</sup>

Michael Smith, the CEO of Freeport LNG Development, recently said: “We are very fortunate that we got through the FERC process . . . I would hate to have to go through the FERC process today.”<sup>44</sup>

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<sup>39</sup> See Notice of Intent to Prepare an Environmental Assessment Statement for the Planned Port Arthur LNG Expansion Project, and Request for Comment on Environmental Issues, Docket No. PF19-5-000, at 4 (Oct. 1, 2019) (“With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate in the preparation of the EA.”).

<sup>40</sup> See FERC Staff, Environmental Assessment for the Port Arthur LNG Expansion Project, Docket No. CP20-55, at 1 (Jan. 15, 2021) (“The U.S. Department of Energy, U.S. Department of Transportation, and U.S. Coast Guard participated as cooperating agencies in the preparation of the EA.”).

<sup>41</sup> See Rio Grande LNG, LLC, Limited Amendment to Section 3 Authorization to Incorporate Carbon Capture and Sequestration Systems to Rio Grande LNG Terminal Project, Docket No. CP22-17-000 (Nov. 17, 2021).

<sup>42</sup> See Interim GHG Policy Statement, 178 FERC ¶ 61,108 at P 125.

<sup>43</sup> See Commissioner Danly Nov. 29, 2021 Letter to Senator Barrasso, Docket Nos. CP20-27-000, et al., at 7-8, <https://www.ferc.gov/media/commissioner-danly-letter-responding-senator-barrasso-regarding-docket-nos-cp20-27-et-al>.

<sup>44</sup> Harry Weber & Corey Paul, *White House warms to LNG in effort to balance energy security, climate goals*, GAS DAILY, Mar. 11, 2022.



**3. Explain what steps FERC will take to expedite the authorization of new pipelines and LNG export capacity to encourage U.S. natural gas production growth, enhance the public benefits of energy security, and support European energy security.**

Over the last thirteen months, the regulatory uncertainty FERC has introduced has discouraged the development of natural gas.<sup>45</sup> FERC’s actions have not only caused applicants to withdraw applications<sup>46</sup> and impeded domestic end users from accessing needed gas service,<sup>47</sup> but also undermined projects planned to bring natural gas to LNG terminals for export.

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<sup>45</sup> See Commissioner Danly March 2, 2022 Letter to Senator Barrasso, Docket Nos. PL18-1-000, et al., at 15-18, <https://www.ferc.gov/news-events/news/commissioner-james-danly-letter-senator-barrasso>.

<sup>46</sup> See Commissioner Danly Nov. 29, 2021 Letter to Senator Barrasso, Docket Nos. CP20-27-000, et al., at 14 (noting withdrawals of applications by Eastern Gas Transmission and Storage, Inc. and Adelpia Gateway, LLC), <https://www.ferc.gov/media/commissioner-danly-letter-responding-senator-barrasso-regarding-docket-nos-cp20-27-et-al>.

<sup>47</sup> See Consolidated Edison Company of New York, Inc. (Con Edison), Motion for Leave to Answer and Answer, Docket No. CP20-493-000, at 5 (Dec. 21, 2021) (“Con Edison respectfully requests that the Commission not delay acting on Tennessee’s requested certificate to construct and operate the Project, which Con Edison needs to meet its statutory responsibility to reliably serve its customers . . . .”); *id.* at 2 (“Con Edison respectfully requests that the Commission issue the requested certificate as soon as possible to avoid delays to the Project so that Con Edison may end its need to rely on trucked [compressed natural gas] for peak day needs, lift the moratorium, and provide gas service to its customers who request it.”); National Grid Gas Delivery Companies (National Grid), Letter, Docket No. CP20-48-000, at 2 (Dec. 17, 2021) (“further delays in the permitting and implementation of the ExC Project expose National Grid to significant curtailment and moratorium risk within the next five years.”) (citation omitted); Con Edison, Motion for Leave to Answer and Limited Answer, Docket No. CP20-48-000, at 7 (filed Jan. 28, 2022) (“Delaying approval of the Project will harm Con Edison’s ability to safely and reliably serve customer demand, including service to Con Edison’s existing customers.”); National Grid, Limited Answer to Comments of U.S. Environmental Protection Agency on Final Environmental Impact Statement, Docket No. CP20-48-000, at 8 (Jan. 27, 2022) (“National Grid has been clear that further delays in the permitting of



FERC’s processing of six LNG-related applications (all of which have been pending for over 17 months, and the majority pending over 2 years)<sup>48</sup> best illustrates this point. For each of these applications, FERC staff had issued the requisite EA—all now issued over a year ago—that quantified the greenhouse gases emitted by project facilities, and, when comments raised climate change as an issue, explained why FERC staff could not determine the significance of such emissions.<sup>49</sup> This is all the environmental analysis that the D.C. Circuit has held is required for projects serving natural gas exports.<sup>50</sup>

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the Project will impede its ability to fulfill its legal obligation to reliably serve customer demand.”).

<sup>48</sup> See App. A (North Baja Pipeline, LLC, Docket No. CP20-27-000 (pending since Dec. 16, 2019); Tennessee Gas Pipeline Co., L.L.C., et al., Docket Nos. CP20-50-000 and CP20-51-000 (pending since Feb. 7, 2020); Port Arthur LNG Phase II, LLC, et al., Docket No. CP20-55-000 (pending since February 19, 2020); Rio Bravo Pipeline Co., LLC, Docket No. CP20-481-000 (pending since June 16, 2020); ANR Pipeline Co., et al., Docket Nos. CP20-484-000 and CP20-485-000 (pending since June 22, 2020); Columbia Gulf Transmission, LLC, Docket No. CP20-527-000 (pending since Sept. 24, 2020)).

<sup>49</sup> See FERC Staff, EA for North Baja Xpress Project, Docket No. CP20-27-000, at Table 6, Table 7, 65-68 (Sept. 8, 2020) (quantified and responded to arguments on climate change by explaining why could not determine significance); FERC Staff, EA for the Evangeline Pass Expansion Project, Docket Nos. CP20-50-000 and CP20-51-000, at Table 25, Table 26, Table 27, Table 28 (Aug. 24, 2020) (quantified emissions and no climate change arguments raised); FERC Staff, EA for Port Arthur LNG Expansion Project, Docket No. CP20-55-000 at Table 2.6-3, Table 2.6-4, 166-170 (Jan. 15, 2021) (quantified emissions and responded to arguments on climate change by explaining why could not determine significance); FERC Staff, EA for Rio Bravo Pipeline Project Amendment, Docket No. CP20-481-000, at Table 4, Table 5, 44-47 (Dec. 21, 2020) (same); FERC Staff, EA for Alberta Xpress and Lease Capacity Abandonment Projects, Docket Nos. CP20-484-000 and CP20-485-000, at Table 8, Table 9 (Dec. 4, 2020) (quantified emissions and no climate change arguments raised); FERC Staff, EA for East Lateral Xpress Project, Docket No. CP20-527-000, at Table 12, Table 13, 70-73 (March 16, 2021) (quantified emissions and responded to arguments on climate change by explaining why could not determine significance).

<sup>50</sup> See *Sierra Club v. FERC (Freeport)*, 827 F.3d 36, 47 (D.C. Cir. 2016) (“[T]he Department of Energy, not the Commission, has sole authority to license the export of



Simply put, FERC could have acted on all of these applications months ago.<sup>51</sup> But now, some of these critical projects could still be 8 months away from being placed into service, if ever.<sup>52</sup>

FERC has unnecessarily drawn out the environmental review process. It has now subjected four of these applications to the preparation of supplemental draft and final Environmental Impact Statements (EISs), a second round of NEPA review.<sup>53</sup> And Port Arthur LNG and Rio Bravo's applications, for which the Commission has already issued EAs, have had no further action by the Commission in over a year.

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any natural gas going through the Freeport facilities.”); *see also Sierra Club v. FERC (Sabine Pass)*, 827 F.3d 59, 63-65 (D.C. Cir. 2016); *EarthReports, Inc. v. FERC*, 828 F.3d 949, 956 (D.C. Cir. 2016).

<sup>51</sup> *See* App. A (Column 6 listing the estimated order dates under prior NEPA review process).

<sup>52</sup> *See* App. A (North Baja Pipeline, LLC Docket No. CP20-27 (Nov. 1, 2022 anticipated in-service date); ANR Pipeline Co., et al., Docket Nos. CP20-484 and CP20-485 (Nov. 1, 2022 anticipated in-service date); Tennessee Gas Pipeline Co., L.L.C., et al., Docket Nos. CP20-50 and CP20-51 (Dec. 1, 2022 anticipated in-service date); Columbia Gulf Transmission, LLC Docket No. CP20-527 (Jan. 1, 2023 anticipated in-service date)).

<sup>53</sup> *See* FERC Staff, Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Alberta Xpress and Lease Capacity Abandonment projects and Schedule for Environmental Review, Docket Nos. CP20-484-000 and CP20-485-000 (July 7, 2021); FERC Staff, Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Evangeline Pass Expansion Project and Schedule for Environmental Review, Docket Nos. CP20-50-000 and CP20-51-000 (June 30, 2021); FERC Staff, Notice of Intent to Prepare an Environmental Impact Statement for the Proposed North Baja Xpress Project and Schedule for Environmental Review, Docket No. CP20-27-000 (May 27, 2021); FERC Staff, Notice of Intent to Prepare an Environmental Impact Statement for the Proposed East Lateral Xpress Project and Schedule for Environmental Review, Docket No. CP20-527-000 (May 27, 2021).



Adding further uncertainty, these applications are now subject to the recently issued Updated Certificate Policy Statement and Interim GHG Policy Statement.<sup>54</sup> “[Chairman Glick] said . . . he’s met with about 10 pipeline companies that have told him FERC has made the process more unpredictable instead.”<sup>55</sup> Indeed, several pipeline companies have filed comments regarding the uncertainty that these policy statements have caused.<sup>56</sup>

This uncertainty harms the natural gas industry and undermines the purpose of the NGA. It makes investment in needed infrastructure riskier, increasing the cost of capital.<sup>57</sup> Two large pipeline companies, Kinder Morgan, Inc., and Boardwalk Pipelines,

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<sup>54</sup> See Interim GHG Policy Statement, 178 FERC ¶ 61,108 at P 129 (Danly and Christie, Comm’rs, dissenting) (“We will apply this interim policy statement to both pending and new NGA section 3 and 7 applications”); Updated Certificate Policy Statement, 178 FERC ¶ 61,107 at P 100 (“[T]he Commission will apply the Updated Policy Statement to any currently pending applications for new certificates.”).

<sup>55</sup> Mike Lee, *Glick: FERC may revisit climate policy for natural gas*, ENERGYWIRE, Mar. 11, 2022.

<sup>56</sup> Mar. 3, 2022 Senate Hearing (Senator Barrasso quoted Alan Armstrong, the CEO of The Williams Companies, Inc., as stating the Interim GHG Policy Statement “has shrouded FERC certificate decisions in a fog of indecision.”); CEOs of TC Energy Corporation, Enbridge, Inc., The Williams Companies, Inc., and Kinder Morgan, Inc., Comments, Docket No. PL21-3-000, at 5 (Mar. 3, 2022) (“The Commission’s new policy statements further deviate from its mandated authority and will result in even more uncertainty and increasing costs relating to speculative impacts from non-jurisdictional facilities, putting at risk the United States’ ability to reinforce the natural gas infrastructure needed to keep our country secure and prosperous.”); Energy Transfer LP, Preliminary Comments, Docket No. PL21-3-000, at 2 (Mar. 2, 2022) (“[T]hese policies, which were passed strictly across party lines, fail in all respects to provide much needed clarity and certainty, especially at a time of great turmoil when the country needs that its, and its allies’, energy needs are reliably met on a domestic and global level.”).

<sup>57</sup> See Kinder Morgan, Inc. and Boardwalk Pipelines, LP, Motion for Reconsideration, Docket No. PL21-3-000, at 3-4, 8 (Mar. 14, 2022); see also Enbridge Gas Pipelines, Comments in Support of the Motion for Reconsideration filed by Kinder Morgan, Inc. and Boardwalk Pipelines, LP, Docket No. PL21-3-000, at 1-2 (Mar. 15, 2022) (“Now, because the Commission will apply the New Policy Statements to all



LP, have explained the consequences the policy statements are having on pending applications:

[A]pplicants must take steps—right now—to re-evaluate and mitigate the risks associated with these uncertainties. In many cases, the project sponsor may need to decline or delay shipments or break employment contracts, which are decisions that come with costs and risks to be borne by shareholders or imposed upon future ratepayers. These actions could set back construction timelines and delay commercial in-service dates, which *further hampers the ability of project sponsors and their customers to bring online the projects* that are necessary to meet consumers’ needs.<sup>58</sup>

Beyond the uncertainty created by the new certificate policy statements, there is also the delay caused by FERC’s recently-promulgated stay policy. Under this policy, which FERC announced last year, a certificate might not become effective for 30 to 150 days after issuance.<sup>59</sup> This policy is contrary to law and, as FERC itself has acknowledged, will cause further delays and could prevent companies from conducting environmental and other information gathering surveys that may be necessary to obtain other federal and state permits.<sup>60</sup>

According to media reports, “officials from the White House, the State Department, the Energy Department and other agencies have held discussions on whether the Federal Energy Regulatory Commission could expedite approval of new pipelines and approve requests to increase capacity at existing export terminals to help get natural

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pending projects, pipelines must scramble to identify what additional measures are needed for every pending and planned project to comport with the New Policy Statements, with virtually no guidance from the Commission, and must determine whether the costs of those measures and the resulting delays will change the economic calculus for (or even the economic and practical viability of) projects.”).

<sup>58</sup> See Kinder Morgan, Inc. and Boardwalk Pipelines, LP, Motion for Reconsideration, Docket No. PL21-3-000, at 15-16 (emphasis added).

<sup>59</sup> See Order No. 871-B, 175 FERC ¶ 61,098, at PP 20-27, *order on reh’g and clarification*, Order No. 871-C, 176 FERC ¶ 61,062.

<sup>60</sup> Order No. 871-B, 175 FERC ¶ 61,098 at P 51 n.104.





gas to Europe.”<sup>61</sup> FERC’s recent actions and new policies fly in the face of such efforts. In spite of all that the Commission has done over the last year that has obstructed the development of natural gas and LNG infrastructure, Chairman Glick recently said, “I don’t think our regulations are going to inhibit Europeans receiving [US] natural gas” and “[i]f anything, over the long run, it is going to facilitate a quicker process.”<sup>62</sup> This statement is hard to square with the empirical data regarding FERC’s issuances and processing timelines.

Appendix C shows that the average estimated processing time is now 4.4 months<sup>63</sup> longer than prior FERC practice where the Commission would have prepared an EA within 9.4 months.<sup>64</sup> These longer processing times are in large part attributable to

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<sup>61</sup> Jarrett Renshaw & Timothy Gardner, *U.S. push to export LNG amid Ukraine crisis slowed by climate concerns, sources say*, REUTERS, Mar. 10, 2022.

<sup>62</sup> Maya Weber & J. Robinson, *FERC chair says stalled work, not agency rules, limiting LNG exports to Europe*, PLATTS, Mar. 11, 2022.

<sup>63</sup> *See* App. C.

<sup>64</sup> *See* Commissioner Danly Nov. 29, 2021 Letter to Senator Barrasso, Docket Nos. CP20-27-000, et al., at App. C, <https://www.ferc.gov/media/commissioner-danly-letter-responding-senator-barrasso-regarding-docket-nos-cp20-27-et-al>.



FERC’s policy to prepare EISs as the default environmental document—a policy that is contrary to FERC’s and CEQ’s regulations,<sup>65</sup> needless,<sup>66</sup> and not required by the courts.<sup>67</sup>

Thank you for the opportunity to share my thoughts about FERC’s processing applications for interstate pipeline and LNG export facilities. If I can be of any further assistance with these issues or any other Commission matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "James Danly". The signature is written in a cursive, flowing style.

James P. Danly  
Commissioner

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<sup>65</sup> See Interim GHG Policy Statement, 178 FERC ¶ 61,108 (Danly, Comm’r, dissenting at P 35) (discussing FERC’s NEPA regulations); Commissioner Danly March 2, 2022 Letter to Senator Barrasso, Docket Nos. PL18-1-000, et al., at 15 n.59 (discussing CEQ’s regulations), <https://www.ferc.gov/news-events/news/commissioner-james-danly-letter-senator-barrasso>.

<sup>66</sup> It is worth noting that the draft and final supplemental EISs for projects with previously issued EAs have done nothing more than the following: updated the discussion of GHG emissions and climate change set forth in the previously issued EA, provided the full-burn downstream emissions, and compared the project’s and downstream emissions to national emissions and state climate policies. Compare Commission Staff, Final Environmental Impact Statement for North Baja Xpress Project, Docket No. CP20-27-000 (Oct. 22, 2021), with Commission Staff, Environmental Assessment for North Baja Xpress Project, Docket No. CP20-27-000 (Sept. 8, 2020).

<sup>67</sup> See *Food & Water Watch v. FERC*, No. 20-1132, at slip op. 18 (D.C. Cir. 2022) (remanding certificate for FERC to perform a supplemental environmental assessment that quantifies and considers downstream emissions or explains in detail why it cannot do so).

## Appendix A

Applicant	Project Name/ Docket No.	Description	Date Filed	Time Since Filing <sup>i</sup>	Estimated Order Date Under Prior Practice	Final EA/EIS Date	Estimated Order Date Under New Practice <sup>ii</sup>	Date Potential Stay Lifted <sup>iii</sup>	Requested Action Date	Anticipated In-Service Date <sup>iv</sup>
Equitrans, L.P.	Tri-State Corridor Project CP19-473	Provide transportation service for planned power plant in WV	5/31/19	--	N/A	--	--	--	5/31/20	8/2021
Rio Bravo Pipeline Company, LLC	Rio Bravo Pipeline CP16-455	Provide transportation service for feed gas to authorized Rio Grande LNG Terminal	10/25/21 (court mandate issued)	140 days	N/A	--	--	--	N/A	N/A
Spire STL Pipeline LLC	Spire STL Pipeline Project CP17-40	Provide transportation service to affiliated local distribution company	10/8/21 (court mandate issued)	157 days	N/A	10/7/22	2/7/23	7/7/23	Requested expedited action on 11/10/21	N/A

<sup>i</sup> I used March 14, 2022, as the end date for the calculation. The calculated number of days does not include the end date.

<sup>ii</sup> I am using 4 months as the duration between the final NEPA document and order issuance because that was the average processing time from January 1, 2019 to May 24, 2021. If the estimated date falls on a Saturday or Sunday, I use the following weekday as the order date estimate.

<sup>iii</sup> In Order No. 871-B, the Commission established a policy to stay all NGA section 7 certificate authorizations for up to 150 days if there is a landowner protest. To avoid the perception of prejudging any pending cases, I assume the maximum stay for all cases. *See* Order No. 871-B, 175 FERC ¶ 61,098 at PP 46-51.

<sup>iv</sup> For applications that I did not identify an in-service date in the application, I list the requested action date indicated by an asterisk.

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Northern Natural Gas Company	Redfield Underground Storage Facility Buffer Zone Project  CP21-28	Authorization to establish buffer zone	1/13/21	415 days	--	N/A <sup>v</sup>	--	--	Not identified	Not identified
North Baja Pipeline, LLC	North Baja XPress Project  CP20-27	Provide transportation of feed gas for the Energia Costa Azul LNG terminal in Baja California, Mexico	12/16/19	819 days	1/8/21	10/22/21 (EIS)	2/22/22	7/22/22	12/31/20	11/1/22
Iroquois Gas Transmission System, L.P.	Enhancement by Compression Project CP20-48	Provide service to Consolidated Edison of New York, Inc. and National Grid for customers in New York, City	2/3/20	770 days	2/1/21 <sup>vi</sup>	11/12/21 (EIS)	3/14/22	8/11/22	12/31/20	11/1/23

<sup>v</sup> On March 25, 2021, FERC staff found that “[t]here would be no environmental impacts as a result and thus, no National Environmental Policy Act analysis is required.” See FERC Staff, Environmental Assessment Report, Docket No. CP21-28-000, at 1 (Mar. 25, 2021).

<sup>vi</sup> An order acting on this application was scheduled and struck from the January 2021 Open Meeting—the last meeting I served as Chairman. See FERC, Sunshine Act Meeting Notice, at 4 (Jan. 12, 2021), <https://www.ferc.gov/news-events/events/january-19-2021-virtual-open-meeting-01192021> (listing Iroquois Gas Transmission System, L.P. Docket No. CP20-48-000 as Item C-9); *Transcript of the 1074th Meeting*, FERC, at 4 (Jan. 19, 2021), <https://www.ferc.gov/media/transcript-01-21-2021> (listing C-9 as a struck item).

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Tennessee Gas Pipeline Company, L.L.C. and Southern Natural Gas Company, L.L.C.	Evangeline Pass Expansion Project and SNG Evangeline Pass Expansion Project  CP20-50 CP20-51	Provide transportation service for feed gas to Venture Global Plaquemines LNG, LLC's facility in Plaquemines Parish, Louisiana	2/7/20	766 days	12/24/20	10/8/21 (EIS)	2/8/22	7/8/22	1/31/21	12/1/22
Rio Bravo Pipeline Company, LLC	Rio Bravo Pipeline Project Amendment  CP20-481	Modify pipeline facilities approved in the Commission's order authorization construction and operation of Rio Bravo pipeline and Rio Grande LNG	6/16/20	636 days	4/21/21	--	--	--	12/17/20	Not identified
ANR Pipeline Company and Great Lakes Gas Transmission Limited Partnership	Alberta XPress Project  CP20-484 CP20-485	Provide transportation of gas for LNG export, Tennessee Valley Authority, and domestic markets	6/22/20	630 days	4/5/21	10/29/21 (EIS)	2/28/22	7/28/22	5/20/21	11/1/22

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Tennessee Gas Pipeline Company, L.L.C.	East 300 Upgrade Project CP20-493	Provide transportation service to Consolidated Edison of New York, Inc. to serve customers in New York, City	6/30/20	622 days	6/21/21	9/24/21 (EIS)	1/24/22	6/23/22	9/30/21	11/1/22
Columbia Gulf Transmission, LLC	East Lateral XPress Project CP20-527	Provide transportation service for feed gas to Venture Global Plaquemines LNG, LLC's facility in Plaquemines Parish, Louisiana	9/24/20	536 days	7/16/21	9/21/21 (EIS)	1/21/22	6/20/22	10/31/21	1/1/23

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Spire Storage West	Clear Creek Expansion Project  CP21-6	Increase storage capacity to meet existing customer and market demand and as a bulwark against the intermittent nature of renewables	10/9/20	521 days	N/A	3/15/22 (EIS)	7/15/22	12/12/22	9/1/21	11/1/24
Gas Transmission Northwest LLC	Coyote Springs Compressor Station Project  CP21-29	Project to alleviate delivery pressure concerns	1/13/21	425 days	N/A	3/4/22 (EA)	7/6/22	12/1/22	3/14/21	11/1/21
LA Storage, LLC	Hackberry Storage Project  CP21-44	Provide storage for LNG facilities, electric generation facilities, industrial customers, utilities, and other customers in the region.	1/29/21	409 days	N/A	4/8/22 (EIS)	8/8/22	1/5/23	1/31/22	Q1 2024

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Mountain Valley Pipeline, LLC	Mountain Valley Amendment Project CP21-57	Amend authorization to change open cut dry crossing to trenchless methods	2/19/21	388 days	N/A	8/13/21 (EA)	12/13/21	5/12/22	6/17/21	--
ANR Pipeline Company	Wisconsin Access Project CP21-78	Provide transportation service for local distribution companies and a manufacturing plant	3/12/21	367 days	N/A	3/18/22 (EIS)	7/18/22	12/15/22	1/1/22	11/1/22
Transcontinental Gas Pipe Line Company	Regional Energy Access Expansion Project CP21-94	Provide transportation service to serve electric generation and local distribution companies	3/26/21	353 days	N/A	7/29/22 (EIS)	11/29/22	4/28/23	1/1/22	12/1/23
Alliance Pipeline, L.P.	Three Rivers Interconnection Project CP21-113	Provide transportation service to natural-gas fired combined-cycle generation facility	4/1/21	347 days	N/A	9/16/22 (EIS)	1/16/23	6/15/23	2/1/22	6/23/22



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Kern River Gas Transmission, Company	Delta Lateral Project  CP21-197	Provide transportation service to natural-gas fired combined-cycle generation facility	4/23/21	325 days	N/A	2/25/22 (EIS)	6/27/22	11/24/22	2/17/22	5/1/24
Golden Pass Pipeline, LLC	Amendments to Pipeline Expansion Project  Docket Nos. CP21-1 and CP21-458	Changes to previously authorized facilities delivering feed gas to LNG terminal under construction	6/11/21	276 days	N/A	6/24/22 (EIS)	10/24/22	3/23/23	1/1/22	Not identified
Texas Eastern Transmission, LP	Holbrook Compressor Units Replacement Project  CP21-463	Replace compressor units	6/17/21	270 days	N/A	5/12/22 (EA)	9/12/22	2/9/23	1/15/22	11/1/23

<b>Applicant</b>	<b>Project Name/ Docket No.</b>	<b>Description</b>	<b>Date Filed</b>	<b>Time Since Filing<sup>i</sup></b>	<b>Estimated Order Date Under Prior Practice</b>	<b>Final EA/EIS Date</b>	<b>Estimated Order Date Under New Practice<sup>ii</sup></b>	<b>Date Potential Stay Lifted<sup>iii</sup></b>	<b>Requested Action Date</b>	<b>Anticipated In-Service Date<sup>iv</sup></b>
Texas Gas Transmission, LLC	Henderson County Expansion Project  CP21-467	Provide transportation service to serve CenterPoint Energy Indiana South's proposed new natural gas-fired electric generating facility	6/25/21	262 days	N/A	8/25/22 (EIS)	12/27/22	5/26/23	4/1/22	2/1/24
Rover Pipeline LLC	North Coast Interconnect Project  CP21-474	Construction of an interconnect with a non-jurisdictional intrastate pipeline	7/20/21	237 days	N/A	1/27/22 (EA)	5/27/22	10/24/22	12/1/21	Q3 2022
Rover Pipeline LLC	Rover-Brightmark Delivery and Receipt Meter Station Project  CP21-492	Construction of new receipt and delivery point for renewable natural gas supplier	9/9/21	186 days	N/A	2/22/22 (EA)	6/22/22	11/21/22	12/1/21	Q1 2022

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Columbia Gas Transmission LLC	Virginia Electrification Project CP21-498	Provide transportation service to residential, commercial, and industrial consumers in the State of Virginia	9/21/21	174 days	N/A	12/16/22 (EIS)	4/17/23	9/14/23	10/14/22	11/1/23
Gas Transmission Northwest, LLC	GTN Express Project CP22-2	Provide transportation service to two local distribution companies to meet growing customer demands in Pacific Northwest, and to a producer that will provide supply to West Coast markets	10/4/21	161 days	N/A	10/14/22 (EIS)	2/14/23	7/14/23	10/14/22	11/1/23

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Driftwood Pipeline LLC	Line 200 and Line 300 Project  CP21-465	Provide transportation service to industrial, petrochemical, manufacturing, power generation, residential, and LNG markets	10/29/21 <sup>vii</sup>	136 days	N/A	9/15/22 (EIS)	1/16/23	6/15/23	10/1/22	2024
Texas Eastern Transmission, LP	Venice Lateral Project  CP22-15	Provide transportation service for feed gas to Venture Global Plaquemines LNG, LLC's facility in Plaquemines Parish, Louisiana	11/10/21	124 days	N/A	--	--	--	2/8/23	3/1/24
Equitrans, L.P.	Truittsburg OBS Well Conversion  CP22-24	Increase storage capacity	12/2/21	102 days	N/A	3/7/22 (EA)	7/7/22	12/5/22	4/1/22	Not identified

<sup>vii</sup> This is the date Driftwood filed its last amendment to its application.

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Northern Natural Gas Company	Des Moines A-line Capacity Replacement  CP22-26	Pipeline facility replacement project	12/3/21	101 days	N/A	--	--	--	1/19/23	11/1/23
Venture Global CP Express, LLC	CP Express Pipeline Project  CP22-22	Provide transportation service for feed gas to proposed CP2 LNG facility in Calcasieu and Cameron Parishes, Louisiana.	12/9/22	95 days	N/A	2/10/23 (EIS)	6/12/23	11/9/23	3/31/23	Phase 1 Q4 2024  Phase 2 Q1 2026

## Appendix B

Applicant	Project Name/ Docket No.	Description	Date Filed	Time Since Filing <sup>i</sup>	Estimated Order Date Under Prior Practice	Final EA/EIS Date	Estimated Order Date Under New Practice <sup>ii</sup>	Requested Action Date	Requested In-Service Date <sup>iii</sup>
Port Arthur LNG, LLC	Port Arthur LNG Expansion Project CP20-55	Add liquefied capacity to approved, but not constructed, LNG export terminal	2/19/20	755 days	5/17/21	--	--	2/1/21	Not identified
Golden Pass Products LLC	Golden Pass LNG Export Project Variance Request No. 15 CP14-517-001	Request to increase workforce numbers, construction traffic levels, and construction workday/hours	2/25/21	383 days	N/A	2/7/22 <sup>iv</sup> (EA)	6/7/22	3/24/21, later amended to 7/1/21	N/A
Freeport LNG Development, L.P.	Limited Amendment CP21-470	Request to align previous authorization with maximum design LNG production capability	6/29/21	259 days	N/A	4/22/22 (EA)	8/22/22	1/13/22	N/A

<sup>i</sup> I used March 14, 2022, as the end date for the calculation. The calculated number of days does not include the end date.

<sup>ii</sup> I am using 4 months as the duration between the final NEPA document and order issuance because that was the average processing time from January 1, 2019 to May 24, 2021. If the estimated date falls on a Saturday or Sunday, I use the following weekday as the order date estimate. For those applications that I did not identify an anticipated in-service date, I list "Not identified."

<sup>iii</sup> For applications that I did not identify an in-service date in the application, I list the requested action date indicated by an asterisk.

<sup>iv</sup> FERC has not yet issued the EA in this case and has not issued a notice revising the schedule.

<b>Applicant</b>	<b>Project Name/ Docket No.</b>	<b>Description</b>	<b>Date Filed</b>	<b>Time Since Filing<sup>i</sup></b>	<b>Estimated Order Date Under Prior Practice</b>	<b>Final EA/EIS Date</b>	<b>Estimated Order Date Under New Practice<sup>ii</sup></b>	<b>Requested Action Date</b>	<b>Requested In-Service Date<sup>iii</sup></b>
Commonwealth LNG, LLC	Commonwealth LNG Facility CP19-502	LNG terminal to be located in Cameron Parish, Louisiana	7/8/21	250 days	N/A	9/9/22 (EIS)	1/9/23	1/31/21	Q1 2024
NFEnergía LLC	San Juan Micro-Fuel Handling Facility CP21-496	Permitting of operational import facility that imports LNG for a power plant in Puerto Rico. The Commission found the project jurisdictional in 2021. <sup>v</sup>	9/15/21	180 days	N/A	--	--	Not identified	In-service
Texas LNG Brownsville, LLC	Remand of Section 3 Authorization CP16-116	Remand to address APA violations	10/25/21	141 days	N/A	--	--	--	N/A
Rio Grande LNG, LLC	Remand of Section 3 Authorization CP16-454	Remand to address APA violations	10/25/21	141 days	N/A	--	--	--	N/A

<sup>v</sup> See *New Fortress Energy LLC*, 174 FERC ¶ 61,207 (2021), *notice of reh'g denial*, 175 FERC ¶ 62,108 (2021), *reh'g denial confirmed*, 176 FERC ¶ 61,031 (2021).

<b>Applicant</b>	<b>Project Name/ Docket No.</b>	<b>Description</b>	<b>Date Filed</b>	<b>Time Since Filing<sup>i</sup></b>	<b>Estimated Order Date Under Prior Practice</b>	<b>Final EA/EIS Date</b>	<b>Estimated Order Date Under New Practice<sup>ii</sup></b>	<b>Requested Action Date</b>	<b>Requested In-Service Date<sup>iii</sup></b>
Rio Grande LNG, LLC	Carbon Sequestration Project  CP22-17	Incorporate carbon capture sequestration into previously approved but remanded the proceeding	11/17/21	118 days	N/A	--	--	Not identified	Not identified
Venture Global CP2 LNG, LLC	CP2 LNG Terminal  CP22-21	LNG Export Terminal in Cameron Parish, Louisiana	12/2/21	102 days	N/A	2/10/23 (EIS)	6/12/23	3/31/23	Initial Operation of Phase 1 – Q2 2025  Initial Operation of Phase 2 – Q2 2026
Venture Global Calcasieu Pass, LLC	Limited Amendment  CP22-25	Request to increase peak liquefaction capacity to reflect refinements in the conditions and assumptions concerning the maximum potential operations. No construction involved.	12/3/21	102 days	N/A	--	--	7/31/22	N/A



<b>Applicant</b>	<b>Project Name/ Docket No.</b>	<b>Description</b>	<b>Date Filed</b>	<b>Time Since Filing<sup>i</sup></b>	<b>Estimated Order Date Under Prior Practice</b>	<b>Final EA/EIS Date</b>	<b>Estimated Order Date Under New Practice<sup>ii</sup></b>	<b>Requested Action Date</b>	<b>Requested In-Service Date<sup>iii</sup></b>
Cameron LNG, LLC	Amended Expansion Project  CP22-41	Eliminate authorized Train 5 and design changes to authorized Train 4	1/18/22	55 days	N/A	--	--	1/18/23	Aug. 2027

### Appendix C

No.	Applicant	Docket No.	Filing Date	EIS Date	No. Days
1	Spire Storage West	CP21-6	10/9/20	3/15/22	522 days
2	LA Storage LLC	CP21-44	1/29/21	4/8/22	434 days
3	ANR Pipeline Company	CP21-78	3/12/21	3/18/22	371 days
4	Transcontinental Gas Pipe Line Company	CP21-94	3/26/21	7/29/22	490 days
5	Alliance Pipeline, L.P.	CP21-113	4/1/21	9/16/22	533 days
6	Kern River Gas Transmission, Company	CP21-197	4/23/21	2/25/22	308 days
7	Golden Pass Pipeline, LLC	CP21-1 CP21-458	6/11/21	6/24/22	378 days
8	Texas Gas Transmission LLC	CP21-467	6/25/21	8/25/22	426 days
9	Columbia Gas Transmission LLC	CP21-498	9/21/21	12/16/22	451 days
10	GTN Express Project	CP22-2	10/4/21	10/14/22	375 days
11	Driftwood	CP21-465	10/29/21	9/15/22	321 days
12	Venture Global CP Express LLC	CP22-22	12/9/22	2/10/23	428 days
Average					419.75 days  419.75 days / 30.42 = 13.80 months